



- CITY OF BIGGS -
PLANNING DEPARTMENT STAFF REPORT

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DATE: November 11, 2011
TO: Honorable Mayor and Members of the City Council
FROM: Scott Friend, AICP City Planner
SUBJECT: Zoning Code Provisions - Fences

Report Summary:

Acting at the direction of the City Administrator and pursuant to a request by the City Council, the Planning Department is seeking input from the City Council regarding the City's current code restrictions dealing with the location of fences and focusing on the City's current regulations addressing decorative and lower-height fences in front yard areas. Staff has not made a recommendation for action in this report nor is staff specifically suggesting that modifications to the City's existing code be considered. Rather, the intent of this report is to provide information to the Council on the City's existing regulatory structure and to provide a forum for the discussion of this topic by the Council.

Background:

Chapter 14 – Zoning; Section 14.60, Development Standards – General, of the Biggs Municipal Code (BMC) establishes the primary authority for the City's regulation of fences. Specifically, Sections 14.60.080, -.090, and -.100 provide the details of the City's fence code requirements (see *Attachment A*). In addition to Section 14.10, Definitions, of Chapter 14 provides definitions for terms used in the enforcement of the provisions of Section 14.60.080.

The Biggs Municipal Code currently defines the term "fence" as follows:

14.10.390 Fence. *"Fence" means a wall or barrier, typically constructed of wood, for the purpose of enclosing space, separating parcels of land and/or providing privacy. [Ord. 320 § 1, 1999]*

Section 14.60.080 establishes the following basic development standards for fences in the City of Biggs (see Attachment B for full details):

- Max. fence height in a front yard area: 4' (6' with a use permit)
- Max. fence height in a side- or rear-yard area: 6' (all new residential development)
- Max. fence height with an Administrative Use Permit: 8'
- No barbed wire fences in residentially zoned areas;
- Fences shall not be permitted which interfere with sight visibility issues;

- Fence exceeding three (3) feet in height shall not be permitted closer than 15 feet from the right of way in a front- or street-side yard area.

BMC Citation: 14.60.080 – Fences and landscaping – General height limitations (*Attachment A*)

Discussion:

Prior to 2008-2009, the City of Biggs municipal code did not comprehensively regulate the construction of fences in the City. Additionally, no requirement was in effect requiring the receipt of a permit prior to the installation of a new or replacement fence. As a result, numerous fences were constructed that were located within the public right-of-way (e.g. south Second street, Fourth street, F street); created site visibility concerns at street intersections (e.g. Aleut and 4th Street); or, which were not in regulated by the existing code but which caused concern. Because no permit was required to construct a fence, staff were almost always unaware of new fences being installed in locations that were either potentially dangerous or in violation of the City's Code until after the fence had been installed and completed.

In 2009, the Planning Department, working at the direction of the City Council, instituted a fence permit requirement for new or replacement fences. This permit process was intended to provide staff with an opportunity to review items such as fence type, location and materials *prior to* the installation of the fence in an effort to minimize issues associated with the construction of new fences. To date, staff has issued no less than 12 fence permits under the program. The fence permit process is intended to be an over-the-counter approval process with minimal costs associated with the staff review with the primary goals being to improve public safety and eliminate the construction of fences on public property.

In August 2009, the City was petitioned by a resident, whose parcel was located on a key lot, to approve a modification to the fence height standards per Section 14.60.080 of the Biggs Municipal Code (BMC). Acting at the direction of the City Council, the Planning department proposed a modification to the City's fence code requirements to address both the site specific issue and to clarify portions of the existing code regarding the placement of fences. At this time, it was confirmed that fences over three (3) feet in height were not allowed within a sight visibility triangle at street intersections and fences were not allowed within the public right-of-way.

Observations / Considerations / Discussion Topics:

Based upon the direction of the City Council, staff is seeking direction on fence-related topics that may include the following questions:

1. Do the City's current development standards dealing with fences meet the expectations of the City Council?
2. Are there circumstances or locations whereby the City's current fence-related development standards are either too restrictive or too permissive; and,
3. Are the City's current development standards achieving the City's goals related to the construction of new or replacement fences?

As it is staff's goal to make sure that the City's codes reflect the intent of the City Council's vision for development within the City, staff is seeking discussion and direction, as necessary, from the Council on the City's fence-related development standards.

Fiscal Impact:

Staff time for report preparation, presentation and discussion. No direct fiscal impacts anticipated with this action at this time.

Request:

Staff is requesting that the City Council acknowledge the receipt of this report and provide any necessary or desired direction on desired revisions to the City's existing development standards dealing with fences.

Attachments:

Attachment A - BMC Sections 14.60.080, -.090, -.100: Fencing Standards

14.60.030

14.60.030 Accessory buildings – Attached.

An accessory building or structure may be attached to a main building if it is made structurally a part of, and has a common wall with the main building, and it complies with all other requirements and development standards applicable to the main building and use of the lot, including setback requirements. [Ord. 320 § 1, 1999]

14.60.040 Accessory buildings – Detached.

The following setback criteria shall apply to all detached nonresidential accessory buildings or structures:

(1) Accessory buildings or structures shall comply with front yard requirements for primary dwellings.

(2) The accessory building or structure shall comply with the following minimum side yard and rear yard setbacks, subject to meeting all Uniform Building Code requirements; provided, that if the lot abuts an alley, no rear yard setback shall be required.

Accessory Building Height	Minimum Side and Rear Yard Setbacks
<6'	0'
6' – 9'	3'
10'	4'
11'	5'
12'	6'
13'	7'
14'	8'
15'	9'
16'	10'
17'	11'
18'	12'
19'	13'
20'	14'

(3) The street-side setback of an accessory building or structure shall be no less than what is required by the zone district in which the building is located.

(4) The accessory building or structure may be connected to the main building with a breezeway.

(5) Accessory buildings or structures shall be located no closer than six feet to any other building.

(6) Swimming pools may be constructed no closer than five feet to any side or rear property line and no closer than 10 feet to any residential structure.

(7) Shade structures may be constructed no closer than five feet to any side or rear property line. [Ord. 376, 2007; Ord. 329 § 1, 2001; Ord. 320 § 1, 1999]

14.60.050 Yards and setbacks – Generally.

(1) Any yard provided about any building or structure for the purpose of complying with the provisions of this chapter and title shall not be considered as providing the yard or open space for any other building or structure.

(2) The setbacks for yards abutting public or private streets shall be measured from the edge of the public right-of-way or private street easement. [Ord. 320 § 1, 1999]

14.60.060 Yards and setbacks – Minimum setbacks for traffic safety.

(1) Notwithstanding any other provision, no building shall be erected, constructed, moved or significantly altered, so that the same shall be closer to a property line than is necessary to provide adequate space for on-site and off-site traffic movements and the stacking of vehicles. In no event shall the same be located in the sight distance area.

(2) Fences, shrubs, screen plantings and similar obstructions shall not exceed three feet in height within the sight-distance area. [Ord. 320 § 1, 1999]

14.60.070 Yards and setbacks – Permitted encroachments.

Cornices, eaves, canopies, fireplaces, chimneys and similar architectural features, but not including flat walls or window surfaces, may extend into any required yard a distance not exceeding two feet. [Ord. 320 § 1, 1999]

14.60.080 Fences and landscaping – General height limitations.

(1) On all lots except double frontage and key lots, fences and similar obstructions shall not exceed four feet in height in front yards, nor six feet in height in any required rear or side yard, unless additional height is authorized by a use permit issued pursuant to Chapter 14.90 BMC (Exceptions). No fence authorized under the provisions of Chapter 14.90 BMC (Exceptions) shall exceed six feet in height in any required front yard or eight feet in height in any side or rear yard setback.

(2) On double frontage lots, fences and similar obstructions shall not exceed four feet in height in front yards, nor six feet in height in any required rear or side yard, unless additional height is authorized pursuant to Chapter 14.90 BMC (Exceptions).

(3) On key lots, fences and similar obstructions may be constructed within a required front yard setback area to match the height of an adjacent lot's legal existing side or rear yard fence.

(4) No fence greater than six feet in height may be authorized by use permit where such fence would be located within 10 feet of a residential structure either within the subject parcel or on an adjacent residential property.

(5) No fence, wall or other improvement within the sight distance zone, as defined in Chapter 14.10 BMC, shall exceed three feet in height.

(6) Fence, wall, or similar barrier heights may be reduced from standards noted in subsections (1), (2), and (3) of this section to address nonintersection sight visibility concerns where it is determined that the fence, wall or barrier poses a hazard or safety risk to a public street, right-of-way or driveway.

(7) In no case shall a fence exceeding three feet in height be located closer than 15 feet from the right-of-way in a front or street side yard area. [Ord. 387, 2011; Ord. 383, 2009; Ord. 320 § 1, 1999]

14.60.090 Fences – Multiple-family development.

Development of more than two residential units on a parcel shall include the installation of fencing, of the maximum allowable height, along side and rear property lines, except, at the discretion of the planning commission, fencing may not be required in a street-fronting side yard. Additionally, internal fencing should be installed to create private yards of not less than 180 square feet for each ground level dwelling unit. For the development of a single project on more than one parcel, fencing of the maximum allowable height shall be required on the project perimeter rear and side property lines and internally as described above, except, at the discretion of the planning commission, fencing may not be required in a street-fronting side yard. [Ord. 320 § 1, 1999]

14.60.100 Fences – Barbed wire/electrified fence.

(1) Fences constructed in whole or in part of barbed wire are prohibited in all residential zones. Fences constructed in whole or in part of electrified wire are prohibited in all zones.

(2) Fences constructed in whole or in part of barbed wire are permitted in industrial zones by right and in other nonresidential zones upon issuance of a use permit as set forth in this title.

(3) For purposes of this section, barbed wire shall include all other similar materials which incorporate sharp or cutting edges in the fencing material. [Ord. 320 § 1, 1999]

14.60.110 Residential structures.

Independent of any standards or improvements required by this title, all new residential development shall be subject to the following provisions of this section. The requirements of this section apply to construction of new single-family homes or the new installation of a manufactured home, regardless of the existence of a previous or existing structure on the subject property.

(1) Roof eaves and overhangs shall extend away from the walls of residential structures a minimum of 18 inches as measured horizontally from the vertical wall below the eave or overhang. Variation from the minimum requirements for eaves and overhangs may be granted by the planning commission under the provisions of Chapter 14.90 BMC (Exceptions).

(2) Roofing materials for all residential structures shall be tile, wood, or composition shingles or of other materials customarily used for residential structures in the surrounding neighborhood. Roofs made solely of corrugated metal, galvanized steel, aluminum and/or fiberglass sheets are not acceptable for residential buildings.

(3) Front yard landscaping, consistent with the following provisions, shall be installed prior to final inspection or occupancy of a new dwelling unit:

(a) Entire front yard shall be landscaped.

(b) At least one shade tree from the city of Biggs approved tree list and at least a five-gallon container size shall be planted within the front yard.

(c) Underground irrigation system with an automatic sprinkler control shall provide coverage for all planted areas of the front yard.